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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,831	02/21/2002	Philippe Hersberger	770P010695-US (PAR)	3110
7590 02/14/2006 PERMAN & GREEN, LLP 425 Post Road Fairfield, CT 06430			EXAMINER JABR, FADEY S	
			ART UNIT 3639	PAPER NUMBER
DATE MAILED: 02/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/081,831	Applicant(s) HERSBERGER ET AL.	
	Examiner Fadey S. Jabr	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/25/02, 9/9/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims **1, 11, 17, 20, 21 and 23** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claims 1, 11, 21 and 23**, the recitation of the words “if necessary” is vague and indefinite. It is unclear to the Office whether or not the processor “performs the calculations for the image”. Appropriate correction is required in the indicated claims and any subsequent recitations.

As per **Claims 17 and 21**, the claims do not positively recite the function of the “special purpose digital device and printing apparatus”. The claimed language “cooperating and adapted to” merely states the intended use of the device and apparatus. Appropriate correction is required in the indicated claims and any subsequent recitations.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-6, 8-9, 11-16, 18-19, 21 and 23** rejected under 35 U.S.C. 102(e) as being anticipated by Leon, U.S. Patent No. 6,424,954 B1.

As per **Claims 1, 11, 21 and 23**, Leon discloses a system comprising:

- a system processor (Col. 4, lines 59-64);
- a system bus (Col. 4, lines 59-64);
- a special purpose digital bus coupled to said system processor via said system bus (Col. 4, lines 59-64; Col. 5, lines 36-45); and
- an output device directly coupled to said special purpose digital device via a non-system bus coupling, said output device adapted to output digital image information in a user-perceivable form (Col. 4, lines 59-64; Col. 5, lines 36-45);
- wherein said system processor is adapted to calculate the information and store it into the RAM and is adapted to, if necessary, and contemporaneously with sequentially download information representing said digital image to said special purpose digital device, perform calculations needed to define at least a portion of said digital image (Col. 2, lines 41-49; Col. 4, lines 59-66; Col. 5, lines 21-22; Col. 41, lines 6-37; Col. 42, lines 4-57);
- wherein said special purpose digital device is adapted to control the operation of said output device and to sequentially download information representing said digital

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image from the RAM into this special purpose digital device, operation controlled by this special purpose digital device (Col. 4, lines 59-66; Col. 5, lines 12-16).

As per Claims 2 and 12, Leon further discloses a system wherein said special purpose digital device is an Application Specific Integrated Circuit (ASIC) (Col. 5, lines 12-13).

As per Claims 3 and 13, Leon further discloses a system wherein said output device is a printing apparatus (Col. 4, lines 59-64).

As per Claims 4 and 14, Leon further discloses a system wherein the steps are subsumed by a franking machine (Col. 2, lines 41-52).

As per Claims 5 and 15, Leon further discloses a system wherein at least a portion of said calculations are used to establish a postage amount for a prospective item to be mailed (Col. 12, lines 4-9).

As per Claims 6 and 16, Leon further discloses a system wherein said digital image comprises postage indicia (Col. 5, line 42).

As per Claims 8 and 18, Leon further discloses a system wherein said moving medium comprises the surface of a postal flat (Col. 1, lines 52-53).

As per Claims 9 and 19, Leon further discloses a system wherein said moving medium comprises a mailing label (Col. 5, line 43).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **7, 17 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon, U.S. Patent No. 6,424,954 B1.

As per Claims 7, 17 and 22, Leon fails to explicitly disclose a system comprising the steps of:

- grouping said digital image into at least a first output region and a second output region, wherein said second output region contains at least some image information needing calculations prior to outputting;
- outputting and reproducing information corresponding to said first output region on an output medium moving relative to said output device, wherein at least initial output positions in said first output region are reached before said second output region;
- performing step d) contemporaneously with step f); and

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- outputting and reproducing calculated information corresponding to said second region after at least a portion of said first region.

However, Leon discloses a system in which indicia data elements are placed in their proper sequence in order to reconstruct the indicia. The information is then converted into a printable binary code prior to being printed (Col. 41, lines 6-37; Col. 42, lines 4-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Leon and include placing indicia data elements in a predefined sequence and printing the indicia according to that sequence, because the indicia printed by the printer can be altered to meet various objectives and specifications since the indicia is computer generated and the printer is capable of forming images substantially anywhere on the label (Col. 41, lines 6-37).

7: Claims **10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon, U.S. Patent No. 6,424,954 B1 in view of Blanluet et al., U.S. Patent No. 6,895,395 B1.

As per **Claims 10 and 20**, Leon fails to disclose a system wherein said printing apparatus is of the ink jet variety, and said special purpose digital device and said printing apparatus cooperating and adapted to, for an output resolution lower than the printing apparatus limit, increase the density of each output pixel by printing in each pixel location, more than one printing drop. However, Blanluet et al. teaches an ink jet printer and a system that can reduce the resolution of a printer by de-activating alternating nozzles (Col. 5, lines 1-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to

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modify the system of Leon and include an ink jet printer and a system that is capable of reducing the resolution of the printer as taught by the Blanluet et al. because the reduction in the resolution presents the advantage of allowing an increase in the overall speed of printing of the indicia and a reduction in the consumption of ink (Col. 5, lines 15-22).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fadey S Jabr
Examiner
Art Unit 3639

FSJ

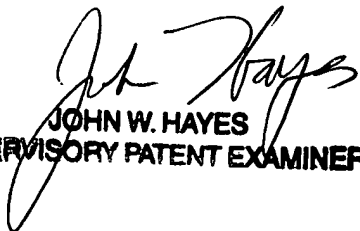
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**JOHN W. HAYES
SUPERVISORY PATENT EXAMINER**